

LIV will withdraw

The Law Institute of Victoria has formally notified the Law Council of Australia of its intention to withdraw.

The Institute had previously notified the LCA of its intention to withdraw, but agreed to defer the action so a task force, which was made up of representatives of constituent bodies, could try to reconcile the parties.

That, obviously, has failed.

In a media release issued by the LIV last month, the President, Gordon Hughes, said: "The decision was made because of concerns over the cost effectiveness of the Law Council.

"Fees paid to the Law Council by constituent bodies are presently levied at a rate of \$65 per member each year.

"The Institute has more than 7000 members and last year paid \$461,760 in fees to the Law Council, yet we have the same voting power as, for example, the ACT Bar Association, which has 45 members," Dr Hughes said.

"The Law Council constitution allows each member body one vote notwithstanding the vast differences between them in membership size and financial contribution.

"Another factor which influenced our decision is the inherent difficulty of the Law Council accommodating the often-conflicting views of both law societies and bar associations, for example in relation to the cost of justice issues such as contingency fees," Dr Hughes said.

He said the Institute had rejected the findings and recommendations of the task force because they did not go far enough.

The Law Institute of Victoria has been under considerable financial pressure as a result of the Victorian economy.

Legal aid in that state is in crisis and it is understood that monies paid to the Law Council would be used to service what the LIV considers to be greater financial priorities.

Parliamentary question on the cost of expert witnesses

The Member for Macdonnell and Shadow Attorney-General, Neil Bell, has put a question on notice to the Attorney-General in relation to expert witnesses.

Mr Bell was speaking during an adjournment debate in the May sittings.

His question was: In how many cases in Darwin or Alice Springs, and possibly in other courts, have litigants' costs been increased by the postponement of hearings because already substantial costs have been incurred - for example, in paying travel costs from interstate by expert witnesses?

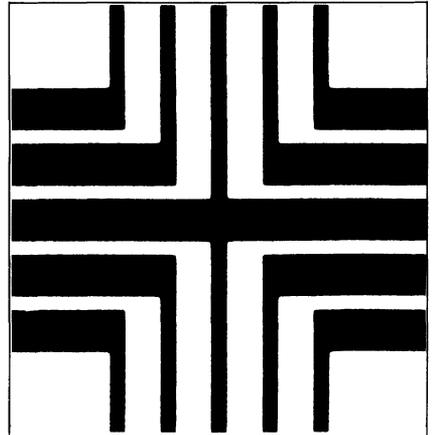
Mr Bell said his attention was drawn to the problem by a claimant in a

complicated workers compensation case who needed an interstate expert medical witness.

He said that witness flew to Alice Springs, only to find the case adjourned.

"For them [expert witnesses] to fly to and from Alice Springs for a case that is subsequently postponed, only to be returned at some future date, compounds the already high costs of litigation," he said.

Mr Bell asked for a statement from the Attorney-General including the views of the legal profession so that "court administration is as expeditious as possible and so that the further burden of unnecessary costs be kept to a minimum."



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